

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EMILIO M. LLANES, Husband and)
Wife, and FRANCES M. LLANES,)
Husband and Wife,)

Plaintiffs,)

v.)

UNKNOWN BARTON, Trooper)
(Badge No. 38),)

Defendant.)

4:06CV3155

**MEMORANDUM
AND ORDER**

This matter is before the court on Defendant's Motion to Extend Time to File Dispositive Motions. (Filing No. 89.) Defendant requests an enlargement of time from April 17, 2008 until June 2, 2008 to file dispositive motions. The motion is granted. Furthermore, pursuant to this court's Memorandum and Order granting in part and denying in part Defendant's Motion to Compel (filing no. 92), on its own motion, the court will also extend the deadline for completing depositions. Therefore, in order to progress this case to final resolution the Progression Order (filing no. 68) is amended as follows:

IT IS THEREFORE ORDERED that:

1. Deposition and discovery deadline. All depositions, whether or not they are intended to be used at trial, shall be completed by **May 26, 2008**.

2. Dispositive Motions. All dispositive motions shall be filed on or before **June 26, 2008**. The parties must comply with the provisions of NECivR 7.1(a-h) and NECivR 56.1 when filing summary judgment motions.

3. Pretrial Conference.

- a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in NeCivR 16.2(a)(2). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **July 10, 2008**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **July 24, 2008**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **August 7, 2008**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.
- b. The Final Pretrial Conference will be held before Magistrate Judge David L. Piester on **August 18, 2008 at 9:00 a.m.** Prior to the pretrial conference, all items as directed in NECivR 16.2 and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.
- c. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the plaintiff's institution in advance and arrange to initiate and place the conference call.

4. The trial date will be set by Magistrate Judge Piester at the time of the Final Pretrial Conference.

5. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Magistrate Judge Piester to be held on August 18, 2008.

April 28, 2008.

BY THE COURT:

s/ David L. Piester

David L. Piester

United States Magistrate Judge